

103D CONGRESS
1ST SESSION

H. R. 209

To amend the Federal Election Campaign Act of 1971 to provide for public financing of advertising and related expenses in campaigns for the House of Representatives and to prohibit contributions by multicandidate political committees to candidates who accept such financing.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. JACOBS introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Federal Election Campaign Act of 1971 to provide for public financing of advertising and related expenses in campaigns for the House of Representatives and to prohibit contributions by multicandidate political committees to candidates who accept such financing.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Federal Election Campaign Act of 1971 is
4 amended by adding at the end thereof the following new
5 title:

1 “TITLE V—PUBLIC FINANCING OF ADVERTIS-
2 ING AND RELATED EXPENSES IN CAM-
3 PAIGNS FOR THE HOUSE OF REPRESENTA-
4 TIVES

5 “CAMPAIGN ALLOTMENTS

6 “SEC. 501. (a) Each candidate in an election for the
7 office of Representative shall be entitled to—

8 “(1) an allotment of ninety minutes of tele-
9 vision time, divided as the candidate chooses pro-
10 vided that each appearance on television is at least
11 five minutes long;

12 “(2) an allotment of one hundred and thirty-
13 five minutes of radio time, divided as the candidate
14 chooses provided that each appearance on radio is at
15 least five minutes long;

16 “(3) an allotment of one hundred and twenty-
17 six column inches or one page, whichever is greater,
18 of newspaper advertising, divided as the candidate
19 chooses provided that no individual advertisement
20 uses less than ten column inches; or

21 “(4) an allotment of any costs incurred in the
22 installation of telephones and other equipment for a
23 question-and-answer format if such a format is used
24 during the candidate’s allotted time on television or
25 radio.

1 “(b) Payment shall be made for such allotments by
2 the Secretary of the Treasury, as provided in section 504.

3 “ELIGIBILITY

4 “SEC. 502. (a) A candidate for the office of Rep-
5 resentative may become eligible to receive a campaign al-
6 lotment under this title—

7 “(1) in the case of the allotments under para-
8 graphs (1) through (4) of section 501(a), by arrang-
9 ing in advance for each advertisement that will be
10 made on television, on radio, and in newspapers, and
11 each installation of telephones and other equipment,
12 and by submitting to the Commission, not later than
13 ten days before the election for which such advertise-
14 ments are made, a schedule of such advertisements
15 and installations, as provided in section 503(a); or

16 “(2) by certifying to the Commission, under
17 penalty of perjury, that such candidate will not
18 make expenditures from his personal funds, the per-
19 sonal funds of his immediate family or funds do-
20 nated to his campaign committee, for any of the
21 purposes for which such candidate accepts a cam-
22 paign allotment under this title.

23 “(b) A candidate who accepts any contribution from
24 a multicandidate political committee with respect to an

1 election shall not be eligible to receive a campaign allot-
2 ment under this title with respect to such election.

3 “SUBMISSION OF CHARGES TO THE COMMISSION

4 “SEC. 503. (a)(1) The schedule required to be sub-
5 mitted by section 502(a)(1) shall include a separate listing
6 for the television allotment, the radio allotment, and the
7 newspaper allotment, of—

8 “(A) the date and time of each advertisement
9 within such allotment;

10 “(B) the station or newspaper providing the
11 time or space for such advertisement;

12 “(C) the amount of time or space that will be
13 used in such advertisement;

14 “(D) the total amount of time or space that will
15 be used for television, radio, and newspaper advertis-
16 ing; and

17 “(E) with respect to a television or radio adver-
18 tisement involving the installation of telephones or
19 other equipment, the name of the company providing
20 such installation, and the cost of such installation.

21 “(2) Such schedule shall be in a form, as further pre-
22 scribed by the Commission, which provides for a ranking
23 within each of the television, radio, and newspaper allot-
24 ments, of each advertisement. Each candidate submitting
25 a schedule shall rank such advertisements in order of his

1 preference, for purposes of any reduction of the maximum
2 allotments that may be required under section 504(a)(2).

3 “(b)(1) Each station, newspaper, or company provid-
4 ing time, space, or service with respect to an allotment
5 under paragraphs (1) through (4) of section 501(a) shall
6 submit a report of charges to the Commission, as provided
7 in paragraph (2). Such a station, newspaper, or company
8 shall be guaranteed payment under section 504 only if
9 such report is received by the Commission not later than
10 ten days before the election.

11 “(2)(A) The report required by paragraph (1) shall
12 include, in the case of an advertisement that will be broad-
13 cast or published, a listing of—

14 “(i) the candidate for whom the time or space
15 is provided;

16 “(ii) the date and time when each advertise-
17 ment will be broadcast or published;

18 “(iii) the amount of time or space used; and

19 “(iv) the charge made for such advertisement.

20 “(B) The report required by paragraph (1) shall in-
21 clude, in the case of installation of telephones or equip-
22 ment—

23 “(i) the candidate for whom the installation is
24 made;

1 “(ii) the advertisement in connection with which
2 such equipment will be installed, identified by the
3 date and time of such advertisement, and the station
4 or newspaper, providing the time or space for such
5 advertisement; and

6 “(iii) the charge for such installation.

7 “CERTIFICATION OF CHARGES TO THE SECRETARY OF
8 THE TREASURY

9 “SEC. 504. (a)(1)(A) The Commission shall certify
10 to the Secretary of the Treasury a charge included in a
11 report submitted under section 503(b) for payment, as
12 soon as practicable after the date on which reports must
13 be submitted under such section—

14 “(i) if such charge is listed in the schedule sub-
15 mitted by the candidate for whom the time, space,
16 or service is to be provided, and there is no discrep-
17 ancy between the information relating to such
18 charge provided with such report and provided with
19 the schedule under section 503(a);

20 “(ii) if such charge, as represented on such
21 schedule, is not for time or space in excess of the
22 maximum allowed under paragraph (1), (2), or (3)
23 of section 501(a); and

24 “(iii) to the extent that the rate charged is not,
25 in the case of a television or radio station, in excess

1 of the limits imposed by section 315(b) of the Com-
2 munications Act of 1934 (47 U.S.C. 315(b)), in the
3 case of a newspaper, in excess of the limits imposed
4 by section 318(b), and in the case of a company pro-
5 viding installation service, in excess of the amount
6 charged for comparable service in the district where
7 such installation is provided.

8 “(B) At the time of the certification of a charge
9 under this subsection the Commission shall immediately
10 notify the station, newspaper, or company that its charge
11 has been certified and that payment will be made by the
12 Secretary of the Treasury not later than thirty days from
13 date of certification.

14 “(C)(i) In any case in which the Commission fails to
15 certify a charge because one of the conditions set forth
16 in clause (i) or (ii) of subparagraph (A) has not been met,
17 the Commission shall immediately notify the candidate
18 and the station, newspaper, or company involved of such
19 action, and such parties shall be allowed ten days after
20 such notification to submit amended schedules and re-
21 ports, in a manner prescribed by the Commission.

22 “(ii) In any case in which the Commission fails to
23 certify part of a charge because it is excessive under clause
24 (iii) of subparagraph (A), it shall immediately notify the

1 station or newspaper affected of such action, and shall
2 provide such station or newspaper with a hearing.

3 “(D) The Commission shall certify any charge sub-
4 mitted later than ten days before the election only to the
5 extent that the time, space, or service for which such
6 charge is made does not exceed the limits imposed by sec-
7 tion 501(a).

8 “(2) The Commission shall certify charges to the Sec-
9 retary of the Treasury for payment under this subsection
10 only to the extent provided in appropriation Acts. If at
11 the time that reports are required to be submitted under
12 section 503(b)(1) the total of all charges submitted with
13 respect to the allotments under paragraphs (1) through
14 (4) of section 501(a) exceeds the amount appropriated for
15 such purposes, the Commission shall certify charges as fol-
16 lows:

17 “(A) The Commission shall determine the per-
18 centage by which the total amount of charges sub-
19 mitted must be reduced in order to make such total
20 equal to the amount appropriated.

21 “(B) The Commission shall reduce the amount
22 of time and space requested by each candidate for
23 each allotment under paragraphs (1) through (3) of
24 section 501(a) by the percentage determined under

1 subparagraph (A), according to the ranking made by
2 each such candidate in his schedule.

3 “(C) The Commission shall certify the charges
4 selected under subparagraph (B) to the Secretary of
5 the Treasury for payment, and shall promptly notify
6 each station, newspaper, and company, and each
7 candidate of such selections.

8 The determination, reduction, and notification shall, when
9 required by this section, be made by the Commission not
10 later than three days after the date on which reports are
11 required to be submitted under section 503(b)(1).

12 “(3) There are authorized to be appropriated for each
13 fiscal year beginning with the fiscal year beginning on Oc-
14 tober 1, 1991, such funds as are necessary to make the
15 payments required by this subsection.

16 “(b)(1) The Commission shall certify to the Secretary
17 of the Treasury a charge under section 502(a)(2) for pay-
18 ment, as soon as practicable after the candidate’s certifi-
19 cation is submitted to the Commission, to the extent that
20 such charge is not in excess of the amount to which the
21 candidate submitting such charge is entitled under section
22 501(a), and only to the extent provided in prior appropria-
23 tion Acts.

24 “(2) In any case in which the Commission fails to
25 certify part of a charge under paragraph (1), it shall im-

1 immediately notify the candidate of such action and provide
2 a hearing to such candidate.

3 “(3) There are authorized to be appropriated for each
4 fiscal year beginning with the fiscal year beginning on Oc-
5 tober 1, 1991, such funds as are necessary for the pur-
6 poses of this subsection.

7 “DEFINITIONS

8 “SEC. 505. As used in this title, the term—

9 “(1) ‘candidate’ means an individual who seeks
10 election to the office of Representative, and who is
11 qualified under State law to have his name placed on
12 the ballot in the district in which he seeks election;

13 “(2) ‘column inch’ means a newspaper column
14 one inch deep;

15 “(3) ‘election’ means a general or special elec-
16 tion;

17 “(4) ‘immediate family’ has the meaning given
18 such term in section 9004(e) of the Internal Reve-
19 nue Code of 1986;

20 “(5) ‘office of Representative’ means the office
21 of Representative in, or Delegate or Resident Com-
22 missioner to, the Congress; and

23 “(6) ‘State’ means a State of the United
24 States, the District of Columbia, the Commonwealth
25 of Puerto Rico, and any territory or possession of

1 the United States from which a Delegate or Resi-
2 dent Commissioner is elected to the Congress.”.

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